

REMARKS

In the Office Action, claims 1-3 and 6-9 were rejected under 35 USC §102(b) as being clearly anticipated by Glickman. Claims 1, 2, 11, 13 and 14 were rejected under 35 USC §102(b) as being clearly anticipated by Davidson. Claims 1, 2 and 6-8 were rejected under 35 USC §102(b) as being clearly anticipated by Buttgereit. Claims 1-3, 6-9, 11, 13 and 14 were rejected under 35 USC §102(b) as being clearly anticipated by Kemper. Claims 1, 2, 11, 13 and 14 were rejected under 35 USC §102(b) as being clearly anticipated by Wood. Claim 16 was rejected under 35 USC §103(a) as being unpatentable over Buttgereit in view of Eich. Claim 16 was rejected under 35 USC §103(a) as being unpatentable over Eick in view of Buttgereit.

The claims have been amended to the scope of former claim 14, with the additional feature that the hook is oriented upwards. The broadest claim claims a step for attachment to a utility pole. The step has a flange portion and a single hook extending from the flange portion, oriented upwards, for insertion through an aperture in the thin wall of the utility pole. A wedge interposes between the flange portion and the thin walled section of the utility pole abutting against the face of the flange portion and against the face of the thin walled section of utility pole to grip the thin walled section of utility pole between the wedge and the hook.

The Glickman patent describes a plastic display hook, completely unsuited to be a step for a utility pole. The plastic display hook includes several distinct hook portions for extending through several distinct apertures in a display panel. Accordingly, Glickman does not anticipate the broadest claim as amended.

The Davidson patent describes a step for utility poles. This step includes a main member with a tread formed in its upper side. The main member has an inward flange 84A, 84B. The inward flange is for fitting over the head of bolt 64. The bolt 64 is not a portion of the step 18. The bolt 64 forms part of a securing device for securing through a hole in the utility pole. The step is for subsequently slotting into place. The device for securing through the wall of a utility pole includes a threaded bolt connection. There is no wedge member disclosed in Davidson and accordingly the broadest claim as amended is not anticipated by Davidson.

The Buttgereit patent describes a scaffolding joint particularly for connecting each end of a scaffolding tie to an upright. The scaffolding joint is for connection into an aperture having a hold with a narrower slot extending downward below the hold. The scaffolding tie is supported at both ends and accordingly the joint in Buttgereit is not required to provide cantilever support for the tie. The joint in Buttgereit does not

disclose an upwardly oriented hook as required by the broadest claim as amended. Accordingly, Buttgereit does not anticipate the broadest claim as amended.

The Kemper patent describes a wedge locked bolt for securing together multiple panels. The bolt is not a step for a utility pole. The bolt does not includes a flange portion with a hook extending from the flange portion with the hook end oriented upward. In Kemper the wedge member is required to be on the opposite side of the thin material wall from the bolt head 14. Accordingly securing of the device in Kemper requires access to both sides of the panel. Clearly the device of Kemper is inappropriate for a utility pole where access is available only from one side. The broadest claim as amended is not anticipated by Kemper.

The Wood patent describes a step for utility poles. The step includes a hook member for passing through an aperture in the utility pole. The hook member is not a portion of a main member including the step. Instead it is a separate component, slidable relative to the main member which includes the step tread. There is no wedge member for interposing between a flange of the step and the utility pole for locking the step in place. Accordingly the broadest claim as amended is not anticipated by Wood.

The invention as claimed in the broadest claim as amended is not obvious in view of the citations raised by the Examiner,

taken alone or in combination. Two citations, Davidson and Wood, relate to cantilever steps for connecting to the thin wall section of a steel utility pole. Both teach a connection including a threaded bolt, requiring tightening of the bolt to secure the step firmly to the utility pole. This is to ensure that the step is adequately retained to the utility pole for a sturdy cantilever support.

Buttgereit discloses a wedge clamped joint. The wedge clamped joint is for connecting a scaffolding tie at each end to each of a pair of uprights. The joint is not required to provide cantilever support and stability. There is nothing to suggest that the joint of Buttgereit would be suitable for connecting a step to a utility pole in a cantilever fashion. Buttgereit requires a hole downward with slot. It would seem that the moment resulting from the cantilever of the step adopting the joint of Buttgereit would tend to unlock and release the joint disclosed.

The Examiner has rejected claim 16 as obvious in view of a combination of Buttgereit and Eich. The claim requires the wedge to have an inner face and an outer face inclined relative to each other at an angle of 3.5 to 5 degrees. neither Buttgereit or Eich disclose a wedge having an inner face and an outer face inclined relative to one another at an angle of from 3.5 to 5 degrees. In Buttgereit the taper angle appears to be approximately 10 degrees. It is not possible to tell the taper angle in Eich. There is no

suggestion in either specification of selecting a taper angle of from 3.5 to 5 degrees. In the present invention this taper angle is important due to the particular loading imposed by the step being supported in the cantilever fashion.

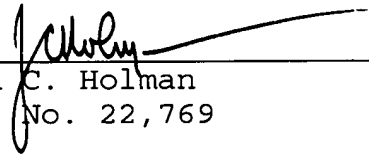
Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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